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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/392,841	09/09/1999	SCOTT J. BROUSSARD	AT9-99-319	1862

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EXAMINER	
QURESHI, SHABANA	
ART UNIT	**PAPER NUMBER**
2155	13

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/392,841	BROUSSARD, SCOTT J.	
	Examiner	Art Unit	
	Shabana Qureshi	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. In view of the Supplement Appeal Brief filed on May 19, 2003, PROSECUTION IS HEREBY REOPENED. The new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 4-6, 8-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et al., USPN 5,928,330 (hereafter referred to as Goetz) in view of Slaughter et al., USPN 6,202,147 B1 (hereafter referred to as Slaughter).

Regarding claim 1, Goetz taught a method for a distributed audio server (abstract), the method comprising the computer implemented steps of:

Generating audio data and graphic data in a platform-independent application (column 9, line 31-35, column 11, lines 2-8);

Sending the graphic data to a display server on a client machine specified by a display environment variable (column 12, lines 27-34, column 1, lines 61-65); and

Sending the audio data to an audio server on the client machine specified by an audio environment variable or an audio command line parameter (column 12, lines 27-34, column 1, lines 61-65).

Goetz does not specifically teach the audio server is a platform-independent audio server. However, Slaughter taught a platform-independent device server (column 3, line 66 – column 4, line 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Slaughter's platform independent device server in Goetz's distributed multimedia system would have improved system effectiveness. The motivation would have been to provide even greater support for the diverse capabilities associated with the different available platforms.

Regarding dependent claim 2, Slaughter taught platform-independence implemented in the Java programming language (column 4, lines 48-53).

Regarding claim 4, Goetz taught a method of a distributed audio server (abstract), the method comprising computer-implemented steps of:

Generating audio data in platform-independent application (column 9, line 31-35, column 11, lines 2-8);

In response to receiving audio data at an audio driver, determining whether and audio environment variable is defined or an audio command line parameter is defined (column 12, lines 27-34, column 1, lines 61-65); and

If an audio environment variable or an audio command line parameter is defined, sending the audio data to an audio server on a client machine specified by the audio environment variable or by the audio command line parameter (column 12, lines 27-34, column 1, lines 61-65). For motivation for combination see claim 1, above.

Regarding dependent claim 5, Goetz taught further comprising:
Generating graphic data in the platform-independent application (column 9, line 31-35, column 11, lines 2-8); and

Sending the graphic data to a display server on the client machine specified by a display environment variable (column 12, lines 27-34, column 1, lines 61-65).

Regarding dependent claim 6, Slaughter the platform-independence implemented in the Java programming language (column 4, lines 48-53).

Regarding dependent claim 8, Goetz taught the graphic data and the audio data are synchronized (column 1, line 65 – column 2, line 5).

Regarding claim 9, Goetz taught a data processing system for a distributed audio server (abstract), the data processing system comprising:

First generating means for generating audio data in a platform-independent application (column 9, line 31-35, column 11, lines 2-8);

Determining means for determining, in response to receiving audio data at an audio driver, whether an audio environment variable or an audio command line parameter is defined (column 12, lines 27-34, column 1, lines 61-65); and

First sending means for sending, in response to a determination that an audio environment variable or an audio command line parameter is defined, the audio data to a platform-independent audio server on a client machine specified by the audio environment variable or by the command line parameter (column 12, lines 27-34, column 1, lines 61-65). For motivation for combination see claim 1, above.

Regarding dependent claim 10, Goetz taught second generating means for generating graphic data in the platform-independent application (column 9, lines 31-35, column 11, lines 2-8); and

Second sending means for sending the graphic data to a display server on the -- client machine specified by a display environment variable (column 12, lines 27-34, column 1, lines 61-65).

Regarding dependent claim 11, Slaughter taught the platform-independence is implemented in the Java programming language (column 4, lines 48-53).

Regarding dependent claim 13, Goetz taught the graphic data and the audio data are synchronized (column 1, line 65 – column 2, line 5).

Regarding claim 14, Goetz taught a computer program product on a computer-readable medium for use in a data processing system for a distributed audio server (abstract), the computer program product comprising:

Instructions for generating audio data and graphic data in a platform independent application (column 9, lines 31-35, column 11, lines 2-8);

Instructions for sending the graphic data to a display server on a client machine specified by a display environment variable (column 12, lines 27-34, column 1, lines 61-65); and

Instructions for sending the audio data to a platform independent audio server on the client machine specified by an audio environment variable or by an audio command line parameter (column 12, lines 27-34, column 1, lines 61-65). For motivation for combination see claim 1, above.

Regarding dependent claim 15, Slaughter taught platform-independence is implemented in the Java programming language (column 4, lines 48-53).

4. Claims 3, 7, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz and Slaughter as applied to claims above, and further in view of Semenzato, USPN 5,903,728 (hereafter referred to as Semenzato).

Regarding dependent claim 3, Goetz does not specifically teach the display server is an X Windows display server. However, Semenzato taught the display server is an X Windows display server (column 8, lines 56-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made that substituting Semenzato's X Windows display server for Goetz's display server would have been an equivalent substitution. The motivation would have been because X Windows is one many different environments which could implement a distributed multimedia system.

Claims 7, 12 and 16 are rejected on the same rationale.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (703) 308-6118. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam, can be reached on (703) 308-6662. The fax phone number(s) for this Group are after final (703) 746-7238; official (703) 746-7239 and non-official/draft (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

SQ
July 28, 2003

Patrice Winder

PATRICE WINDER
PRIMARY EXAMINER